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7 *Attorneys for Defendant Think 360, Inc.*

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10  
11 MICHAEL GIRARD YACCINO,  
12 Plaintiff

13 v.

14 MANADALAY BAY LLC dba MANDALAY  
BAY RESORT & CASINO, SHOPTALK  
15 COMMERCE, LLC, THINK 360, INC.,  
16 Defendants

CASE NO.: 2:25-cv-00509-CDS-DJA

**JOINT STIPULATION AND  
ORDER TO REMAND**

[ECF No. 3]

17  
18 Pursuant to 28 U.S.C. §§ 1477(c), Plaintiff Michael Girard Yaccino (“Yaccino”) and  
19 Defendant Think 360, Inc. (“Think 360”), by and through undersigned counsel, hereby jointly stipulate  
20 to the remand of the above-captioned case, which was removed from the Eighth Judicial District Court  
21 in Clark County, Nevada, to the United States District Court for the District of Nevada, on March 18,  
22 2025, and in support thereof respectfully states as follows:

23 1. On February 20, 2025, Plaintiff filed the present lawsuit in the Eighth Judicial District Court  
24 in Clark County, Nevada.

25 2. On March 18, 2025, Defendant Think 360 filed a petition to remove the present lawsuit to  
26 federal court.

27 3. The parties, including Think 360, are in agreement that removal of the present lawsuit to  
28 federal court is improper pursuant to the forum defendant rule, as Defendant Mandalay Bay is

1 domiciled in Nevada. *See* 28 U.S.C. § 1441(b)(2) (“A civil action otherwise removable solely on the  
2 basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in  
3 interest properly joined and served as defendants is a citizen of the State in which such action is  
4 brought.”).

5 4. Therefore, the present lawsuit should be remanded for lack of subject matter jurisdiction.

6 5. Defendants Mandalay Bay LLC dba Mandalay Bay Resort & Casino and Shoptalk Commerce,  
7 LLC, have not yet appeared.

8  
9 WHEREFORE, Defendants jointly stipulate that good cause exists to remand the present lawsuit to  
10 the Eighth Judicial District Court in Clark County, Nevada. This stipulation is without prejudice to the  
11 rights, claims, defenses, and arguments of the parties.

12  
13 RESPECTFULLY SUBMITTED THIS DATE, the 24<sup>th</sup> day of March, 2025

14  
15 DATED: March 24, 2025

**LITCHFIELD CAVO LLP**

16 By: /s/ Thomas E. McGrath  
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18 Nevada Bar No. 7086  
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26 ///

27  
28 ///

1 DATED: March 24, 2025

**VALIENTE MOTT, LTD.**

2 By: /s/ Peter Petersen

3 PETER PETERSEN, ESQ.

4 Nevada Bar No. 14256

TIMOTHY ANDREW MOTT, ESQ.

5 Nevada Bar No. 12828

**VALIENTE MOTT, LTD.**

6 700 South 7<sup>th</sup> Street

7 Las Vegas, Nevada 89101

*Attorneys for Plaintiff*

8  
9 **ORDER**

10 Based on parties' stipulation, which establishes that this court lacks subject-  
11 matter jurisdiction over this dispute, IT IS HEREBY ORDERED that the Clerk of  
12 Court is kindly directed to REMAND this case to the Eighth Judicial District Court,  
13 Department 21, Case No. A-25-913085-C, and to close this case.

14 Dated: March 25, 2025

15   
16 Cristina D. Silva  
17 United States District Judge

18  
19 RESPECTFULLY SUBMITTED BY

20 **LITCHFIELD CAVO LLP**

21 By: /s/ Thomas E. McGrath

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